

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Tall Sales Company,

Civil No. 08-832 (RHK/JSM)

Plaintiff,

ORDER

v.

Bell Automotive Products, Inc.,

Defendant.

Plaintiff's Motion for Sanctions Under Rule 11 and 28 U.S.C. § 1927 Seeking Dismissal of Counts I, II and V & Attorneys' Fees (Doc. No. 17) is **REFERRED** to Magistrate Judge Mayeron for a recommended disposition. Judge Mayeron will advise counsel if she desires oral argument; the November 13, 2008 scheduled hearing before the undersigned is **CANCELED**, but any remaining brief with respect to the Motion shall be completed as though the hearing date remained November 13, 2008.

The November 13, 2008 hearing with respect to Defendant's Motion to Dismiss Plaintiff's Counterclaims I, II and V is **CANCELED** and will be rescheduled, if necessary, after the resolution of the "Sanctions" Motion referred to above; briefing on the Motion to Dismiss, however, will be completed as though the hearing date remained November 13, 2008.

In view of the acrimonious tone of the pending Motions, the undersigned **strongly** urges the parties, and counsel, to meet, confer and attempt to resolve this case (including

the pending Motions) and to solicit the assistance of Magistrate Judge Mayeron in such endeavor either at the December 11, 2008 scheduled settlement conference or such earlier date as Judge Mayeron's schedule can accommodate.

Dated: October 28, 2008

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge